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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AGUDATH ISRAEL OF AMERICA, a New
York non-profit corporation, and WR PROPERTY
LLC, a New Jersey limited liability company,

Plaintiffs,

v.

TOWNSHIP OF JACKSON, NEW JERSEY,
MICHAEL REINA, ROBERT NIXON, HELENE
SCHLEGEL, JEFFREY PURPURO, WILLIAM
CAMPBELL, and KENNETH PIESLAK,

Defendants.

Civ. No. 3:17-CV-03226

DECLARATION OF MOSHE HEIMAN

MOSHE HEIMAN declares as follows, pursuant to 28 U.S.C. § 1746:

1. I live at 31 Adelphi Drive in Jackson Township, New Jersey.
2. I submit this declaration in support of Plaintiffs' motion for a preliminary injunction.
3. I am a member of Agudath Israel.
4. My religious beliefs prohibit me from pushing a stroller or a wheelchair or carrying food, medication, canes, water bottles, house keys, personal identification, books, prayer shawls and/or reading glasses outside of my home on the Sabbath and on holy days, unless there is an *eruv*, an area enclosed by a wire boundary that symbolically extends the private domain of Jewish households into public areas.
5. There is no *eruv* in my neighborhood and Jackson has passed an ordinance prohibiting the installation of an *eruv*.
6. The lack of an *eruv* hampers my ability to practice my religious beliefs in multiple ways, including:
 - a. I am commanded by my religion to have my son circumcised on his 8th day of life in a religious ritual called a *brit milah*, or *bris*. The *bris* is a covenant between the Jewish people and G-d that dates back to the time of Abraham. According to the Jewish texts of *Machzor Vitry* (vol. 2, p. 506) and *Sefer Habrit* (pp. 265 and 154), the circumcision should be done in house of worship due to the fact that there will be more people in attendance and Jewish law and tradition dictate that G-d likes when a Mitzvah is done in front of more people and because one should not further inconvenience the community by bringing them to an additional location from the prayer service.


- b. My 3 month old son was born on a Friday night, meaning that his *bris* would be the following Saturday on shabbos. Because there is no *eruv*, we were unable to carry him to shul or to push him in a stroller, we were unable to have his *bris* at shul and were forced to have his *bris* at home, contrary to our religious beliefs.
 - c. I also have a 6 year old son. It is my religious belief that I should bring him to shul on shabbos for a portion of the day, but I am unable to because my wife can't walk him across the main street and because she can't carry or push the baby in a stroller because there is no *eruv*.
 - d. It is also traditional to have a *kiddush* (celebratory meal) at shul the shabbos after a girl is born. Because there is no *eruv*, we, and our neighbors with children or elderly relatives who must be carried or pushed in a stroller or wheelchair, cannot attend those ritual celebrations.
7. The ordinances prohibiting an *eruv* do not affect my neighbors who are not Orthodox Jews because they are permitted to push strollers and travel to their houses of worship and families with or without an *eruv*. The prohibition on the *eruv* only affects Orthodox Jews.
 8. I also have a 6 year old and a 7 year old who attend school. I believe that my children must attend a Jewish school where they will be taught our religious laws and traditions in addition to their secular studies. The school must also follow Jewish laws such as laws of *kashrut* (kosher dietary laws).
 9. There is no school in Jackson for my children to attend which furthers my religious beliefs .

10. Every morning my wife must drive my son to Lakewood and must drive my daughter to a different neighborhood in order for her to get to her school.
11. The long commute of 45 minutes to an hour each way takes a toll on my children. My daughter's teacher has reported to us that she's wiped out from the commute and that this negatively affects her religious studies.
12. My son's school, Yeshiva Ohr Yehuda, wanted to build in Jackson but was unable to do so due to Jackson's ordinance. If my children's schools were in Jackson, they wouldn't have to travel so far and their religious studies wouldn't be negatively impacted.
13. The ordinances regarding schools do not affect my neighbors whose religious beliefs permit them to send their children to schools in Jackson, but they affect me as an Orthodox Jew.
14. On SEP. 25, 2017, I attended a "Meeting of the Mayor" at the Jackson Township Municipal Building in Jackson, New Jersey, at which Michael Reina, the Mayor of Jackson Township, made the following statements:
 - a. "The government should never bow down to any entity, especially religion. It's not right"
 - b. "I'm not going to make your religion or my religion dictate how the rest of the township lives."
 - c. "I am not going to allow one religion to supercede every other religion. . . Is an eruv a piece a part of a culture of a religion"
 - d. "It would be no different than me going into Lakewood and saying I'm moving into this township which is predominantly Jewish. I'd like, for me to feel better and to feel blessed, I'd like a crucifix on every telephone pole. I feel safer. Now my religion also turns around and tells me I shouldn't eat meat on Friday. Do I decree a law in Jackson that you can't eat meat on Friday? That's just, it's a silly thing to say. But it's also a silly thing for . . . to come over and say I need to have this wire up because it's part of my religion"

- e. "It's a religious value to you. It's not a religious value to me, it's not a religious value to any other religion other than to you specifically, to your religion."
- f. "I never said I was against eruv wires. Build them in your yard. Build them on your property. If you have a bunch of homes and everybody opens up their fence and they want to walk through their yards according to religion, that's according to their religion. I cannot. What's next, Sharia law?"

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 5, 2019



MOSHE HEIMAN